

**REMARKS**

The applicants have studied the Office Action dated September 7, 2005. It is submitted that the application is in condition for allowance. Claims 16, 23, 27, 29, 32, and 34 have been amended and claims 17, 30, 33, and 35 have been canceled without prejudice or disclaimer. Reconsideration and allowance of all of the claims in view of the following remarks are respectfully requested.

Claims 16-18, 21-24, 26 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Pearce et al. USPN 6,243,468.

Claim 1-15, 19, 20, 25 and 28-35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gralla, in How the Internet Works, in view of Pearce. These rejections are respectfully traversed.

Claim 1 recites "validating the signature with a second public key from the certificate, wherein the association of the software with the hardware is validated if the signature is validated." Claims 9 and 14 recite a similar language. The references cited by the Examiner do not disclose validating a signature generated for a software with a second public key from a certificate where the association of the software with a hardware is validated if the signature is validated, as recited in the claims.

The Gralla references discloses a public-key cryptography where every person has a public and a private key. The public key can encrypt messages, but only the private key can decrypt messages the public key has encrypted. The Gralla reference discloses that the keys are used to encrypt and decrypt messages and digital certificates use encryption to verify the person sending any information. (See page 303 of the reference). However, the Gralla reference does not disclose validating a signature generated for a software with a second public key from a certificate where the association of the software with a hardware is validated if the signature is validated, as recited in the claims.

The Pearce reference does not address the deficiencies of the Gralla reference. The invention in the Pearce reference is basically an anti-piracy system to reduce piracy and illicit use of software products by requiring each software product to be registered for a single computer. The Pearce reference does not disclose validating a signature generated for a software with a public key. The Pearce reference discloses that the software product generates a hardware ID for a particular computer and sends the product ID of the software and the hardware ID to a

registration authority so that the software can be installed only on a single computer. The registration authority matches the hardware ID to a particular product ID when the software is used so that if a matching does not occur, the software is disabled.

As mentioned above, the Pearce reference does not disclose validating a signature generated for a software with a public key. Furthermore, the Gralla reference only mentions public key encryption in the context of encrypting and decrypting messages, but not in the context of anti-piracy system to reduce piracy and illicit use of software products by requiring each software product to be registered for a single computer. In other words, the Grallas reference does not suggest using public key encryption in the context of anti-piracy system to reduce piracy and illicit use of software products by requiring each software product to be registered for a single computer. Without the teaching or suggestion of using public key encryption in the context of anti-piracy system, it is respectfully submitted that the Examiner is engaging in hindsight reconstruction of the claimed invention. The Federal Circuit has consistently held that hindsight reconstruction does not constitute a prima facie case of obviousness under 35 U.S.C. § 103. In re Geiger, 2 USPQ2d 1276 (Fed. Cir. 1987). Thus, it is clear that the Examiner is relying on impermissible hindsight to avoid express limitations in the claims and come up with unsupported and hypothetical teachings to thereby recreate the applicants' claimed invention.

Amended claim 16 recites "receiving a digest obtained by hashing the software, and wherein the first signature is generated over the digest, the first identifier, and the second identifier". Other claims recite a similar language. The Pearce reference does not disclose receiving a digest obtained by hashing a software and generating a signature over the digest, a first identifier, and a second identifier.

The Pearce reference discloses that the software product has a check-sum value and the software product computes its own test ID from the product ID and the hardware ID. (*See cols. 2 and 3 of the reference*). However, the Pearce reference does not disclose receiving a digest obtained by hashing a software and generating a signature over the digest, a first identifier, and a second identifier, as recited in the claims. The Grallas reference does not address the deficiencies of the Pearce reference.

Thus, claims 1-35 distinguish over the art of record.

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Therefore, it is respectfully submitted that the rejection of claims 1-35 under 35 U.S.C. §§102(b) and 103(a) should be withdrawn

REQUEST FOR ALLOWANCE


In view of the foregoing, Applicant submits that all pending claims in the Application are patentable. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any fees due in connection with the filing of this response, please charge such fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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